
**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA**

Roberto A. Lange United States Chief Judge Presiding

Courtroom Deputy - KMH
Courtroom - RC #2

Court Reporter -- Connie Heckenlaible
Date -- April 10-14, 2023

5:17-cv-5030

GERALD LESSERT, etc., et al.

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

Charles T. Abourezk
Christopher H. Leach
Travis W. Shumate

Chad M. Knight
William Joseph McFadden
Cassidy M. Stalley
Jeffrey D. Collins

TIME HEARING SCHEDULED TO BEGIN: 1:00 PM

TIME:

12:58 PM	Enter Jury Trial Proceedings
	Voir dire
	Preliminary Jury Instructions
	Opening statements by Plaintiff
5:17 PM	Trial to resume at 9:00 am

Tuesday, April 11, 2023

9:02 AM	Jury trial resumes
	Opening statements by Defendant

5:17-cv-5030

Date – April 10-18, 2023

Page - 2

Witnesses:
Vada Lessert
Randy Dixon – Deposition
Stanley Cole Mitchell

12:23 PM Court in recess

1:20 PM Court resumes

Witnesses:
Stanley Cole Mitchell
Douglas Ray Adams – Deposition

5:05 PM Trial to resume at 9:00 am

Wednesday, April 12, 2023

9:00 AM Jury trial resumes

Witnesses:
David Joe Lydick

12:05 PM Court in recess

1:20 PM Court resumes

Witnesses:
Dan Smith – Video
Charles Culver
Teresa Lessert
Gerald Lessert

Plaintiff rests

5:05 PM Trial to resume at 9:00 am

Thursday, April 13, 2023

8:58 AM Jury trial resumes

Witnesses:
Charles E. Oleson
Michael Smeltzer – Deposition
Rodney David Huber

5:17-cv-5030

Date – April 10-18, 2023

Page - 3

12:10 PM Court in recess

1:20 PM Court resumes.

Witnesses:

Dennis Stirmel

Jim Korecky – Deposition

Donna Behrens – Deposition

5:07 PM Trial to resume at 9:00 am

Friday, April 14, 2023

9:00 AM Jury trial resumes

Witnesses:

James Reitz

Foster Peterson

12:03 PM Court in recess

1:20 PM Court resumes

Witnesses:

Foster Peterson

John Bainter

Defendant rests

Plaintiff rests

Jury to return on Monday, April 17, 2023 at 10:00 am

5:10 PM Counsel to meet with the Court on Monday, April 17, 2023 at 8:15 am